

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESUS CERDA,
Plaintiff,
v.
ALLY FINANCIAL, et al.,
Defendants.

Case No. 22-cv-05188-TLT

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY DEFENDANT
PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE
AGENCY'S MOTION TO DISMISS
SHOULD NOT BE GRANTED**

Re: ECF No. 33


On January 17, 2023, defendant, Pennsylvania Higher Education Assistance Agency ("PHEAA"), filed a motion to dismiss *pro se* plaintiff Jesus Cerda's ("Plaintiff") first, second, and fourth counts in his complaint for failure to state a claim against PHEAA upon which relief can be granted. *See* ECF No. 33; *see also* ECF No. 36. Under Northern District of California Civil Local Rule 7-3(a), Plaintiff's response or opposition to the motion to dismiss was due by January 31, 2023. Civ. L.R. 7-3(a). Plaintiff did not file a response or opposition by the deadline.

Given Plaintiff's failure to oppose the motion to dismiss by the deadline, Plaintiff is hereby **ORDERED** to show cause why PHEAA's motion should not be granted as unopposed. Plaintiff shall file a response to this Order to Show Cause by **February 20, 2023**. If Plaintiff seeks to file an untimely opposition brief, he must submit a request to do so showing good cause for his failure to comply with the deadline required by the Local Rules and must submit his proposed opposition brief with the request. If Plaintiff fails to file a response to this Order to Show Cause by the deadline, the Court shall grant PHEAA's motion as unopposed without further notice to Plaintiff.

Finally, if Plaintiff seeks to file an untimely opposition brief, and if the Court grants that request, it shall set a new deadline for PHEAA to file a reply brief. Accordingly, the April 18, 2023, motion hearing is hereby **VACATED** and will be reset by the Court if necessary.

IT IS SO ORDERED.

Dated: February 6, 2023



TRINA L. THOMPSON
United States District Judge